

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

EUGENE BOWERS,)	
)	
Plaintiff,)	
vs.)	1:08-cv-1088-DFH-TAB
)	
THOMAS GAUNT,)	
DONALD R. LUNDBERG,)	
)	
Defendants.)	

Entry Dismissing Claims and Directing Further Proceedings

I.

Eugene Bowers has sued Thomas Gaunt, his former attorney in a criminal action in which he was the defendant, and Donald Lundberg, the Executive Director of the Indiana Supreme Court Disciplinary Commission. Bowers was convicted in the criminal action in which he was represented by Mr. Gaunt and is serving the executed portion of the sentence imposed in that case.

Bowers is a prisoner and hence the complaint described above is subject to the screening requirement of 28 U.S.C. § 1915A(b). *Lagerstrom v. Kingston*, 463 F.3d 621, 624 (7th Cir. 2006). Pursuant to this statute, "[a] complaint is subject to dismissal for failure to state a claim if the allegations, taken as true, show that plaintiff is not entitled to relief." *Jones v. Bock*, 127 S. Ct. 910, 921 (2007).

Applying the above standard, the court dismisses any claim based on actions or inactions the unlawfulness of which would render the plaintiff's conviction or sentence for armed robbery in cause number 49G02-0008-CF-149750, Marion Superior Court, invalid. Stated otherwise, any claim based on asserted violations of the plaintiff's civil rights which "would necessarily imply the invalidity of his conviction or sentence" *Vangilder v. Baker*, 435 F.3d 689, 691 (7th Cir. 2006) (quoting *Heck v. Humphrey*, 512 U.S. 477, 487 (1994)), is dismissed.

No partial final judgment shall issue at this time as to the claims resolved in this Entry.

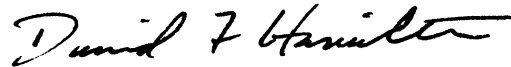
II.

The plaintiff shall have **through December 19, 2008**, in which to **file a statement of remaining claims** as to any claims he intends to assert in this action which have not been dismissed as legally insufficient in Part I of this Entry. If no such report is entered, or if the report does not identify claims which may proceed, the court will direct the entry of final judgment in conformity with the ruling in Part I of this Entry.

III.

The clerk shall **update the docket** to reflect the plaintiff's current address as Correctional Industrial Facility, P.O. Box 601, Pendleton, IN 46064.

So ordered.



DAVID F. HAMILTON, Chief Judge
United States District Court

Date: 12/8/2008

Distribution:

EUGENE BOWERS
DOC #882244
Correctional Industrial Facility
P.O. Box 601
Pendleton, IN 46064

NOTE TO CLERK: PROCESSING THIS DOCUMENT REQUIRES ACTIONS OTHER THAN DOCKETING AND DISTRIBUTION.